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10 **CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
11 **CENTRAL VALLEY REGION**

12 )  
13 In the Matter of the Administrative Civil )  
14 Liability Complaint )

) Complaint No. R5-2016-0512

15 ) **EVIDENCE AND WITNESS LIST**

16 ) Hearing: April 21 / 22, 2016  
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19 The Malaga County Water District ("District" or "Malaga") has not had an  
20 opportunity to review the more than two hundred (200) Exhibits and Attachments  
21 consisting of approximately six thousand five hundred (6,500.) pages of evidence  
22 submitted by the Prosecution Team via mail merely twenty one (21) days ago and as  
23 such it is impossible for the District to have examined all such evidence, analyze all  
24 such evidence, develop legal and technical arguments related to such evidence,  
25 identify witnesses, or to identify rebuttal witnesses or evidence, and as such reserves  
26 the right, as provided by the Regional Water Quality Control Boards ("CVRB") Rules of  
27 Practice and Procedure or Adjudicative Proceedings and the Administrative  
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1 Adjudicative Bill of Rights and other applicable statutes and the U.S. and California  
2 Constitutions to have an opportunity to be heard and present evidence and to rebut  
3 evidence up to the submission of the case to the CVRB. Subject to the Objections to  
4 the Hearing Procedures, Evidence, and other objections made by the District served  
5 separately with this Evidence and Witness List, and without waiving any objections  
6 contained therein, the District provides the following list of witnesses and evidence  
7 along with time estimates for each witness:  
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9 A. Evidence  
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- 11 1. 2015 Malaga County Water District Pretreatment Program Report.
- 12 2. 2015 Malaga County Water District Rate Study.
- 13 3. Current Slug Control Evaluations.
- 14 4. Response to September 10, 2015, Notice of Violation.
- 15 5. CVRB's Response to the District's Response to the September 10, 2015,  
16 Notice of Violation.  
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18 B. Witnesses

- 19 1. James Anderson, General Manager, rebuttal evidence. Estimated time  
20 for testimony (6) hours.
- 21 2. Michael Taylor, PE, District Contract Engineer, rebuttal evidence.  
22 Estimated time for testimony (4) hours.
- 23 3. Salvador Cerrillo, District Board Vice President, rebuttal testimony.  
24 Estimated time for testimony (45) minutes.
- 25 4. The District anticipates cross-examining each and every witness listed by  
26 the Prosecution Team and each witness listed by the Prosecution Team  
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1 shall be available for examination or cross-examination whether or not  
2 they provide testimony at the hearing. Estimated time for examining or  
3 cross-examining the Prosecution Team's witnesses, not less than (40)  
4 hours.  
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6 As stated above, the information provided, is done so without a waiver of any  
7 objection raised to the evidence presented by the Prosecution Team or the District's  
8 objection to the Hearing Procedure for the ACL and maintains that such Hearing  
9 Procedures are invalid and in violation of applicable statutes and the California and  
10 United States Constitutions. Further, by submitting this document and evidence, the  
11 District does not waive any right to make any objection at or before the hearing, or to  
12 amend or supplement the evidence or witness list.  
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14 Respectfully submitted,  
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16 Dated: 3-11-16

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19 Neal E. Costanzo, Attorney for  
20 Malaga County Water District  
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